

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to:
Mail Stop Non-Fee Response
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JUL 30 2003
TC 1700

1775

#7
P.L.H.
8-603

July 23, 2003
Date
Tammy Styen
Buchanan Ingersoll



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Weller et al.

Serial No: 10/005,244

Filed: December 3, 2001

: **PATENT APPLICATION**
:
:
: MAGNETIC RECORDING
: MEDIA HAVING SELF
: ORGANIZED MAGNETIC
: ARRAYS
:
: Group Art Unit: 1775
: Examiner: Vivek D. Koppikar

RESPONSE TO OFFICE ACTION

Pittsburgh, Pennsylvania 15219
July 23, 2003

Mail Stop Non-Fee Response
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed April 28, 2003. Applicants submit that the Examiner has improperly utilized U.S. Publication No. US 2002/0145826 to Zangari et al. ("Zangari") in rejecting pending claims 13-19.

The Examiner has rejected claims 13-18 under § 102(e) as being anticipated by Zangari.
The Examiner has rejected claim 19 under § 103(a) as being obvious over Zangari as applied to

claim 13 and further in view of U.S. Patent No. 5,462,784 to Grill et al. ("Grill"). However, as set forth below, Zangari is not prior art with respect to the present application and, accordingly, the rejection of claims 13-19 should be withdrawn.

To qualify as prior art under § 102(e), Zangari must have a filing date earlier than the effective filing date of the present application. The Zangari application was filed on April 9, 2001. The present application was filed on December 3, 2001 claiming domestic priority from U.S. Provisional Application No. 60/275,969, filed on March 15, 2001. A copy of this provisional application is attached hereto as Exhibit A. Thus, Applicants' effective filing date is its provisional application filing date of March 15, 2001, which is earlier than the April 9, 2001 filing date of Zangari. Therefore, Zangari is not prior art with respect to the present application and any rejection based on Zangari, whether alone or in combination with other references, is improper.

The provisional application (Exhibit A) evidences that the inventors had invented the subject matter of pending claims 13-19 at least as early as the provisional application filing date of March 15, 2001. Applicants' invention date is at least as early as the provisional application filing date of March 15, 2001. This is before the filing date of Zangari. Accordingly, Zangari does not qualify as prior art under § 102(e), and the rejection of claims 13-19 should therefore be withdrawn.

Conclusion

For at least the reasons set forth above, Applicants' effective filing date and invention date are before the filing date of Zangari and, therefore, Zangari is not prior art with respect to the present application. The rejection of claims 13-18 based on Zangari is therefore improper

and should be withdrawn. Additionally, Zangari cannot be combined with Grill as was done by the Examiner in rejecting claim 19. Applicants therefore respectfully request that the Examiner's rejection of claims 13-19 be withdrawn and that claims 13-19 be passed to allowance. Early notification to that effect is respectfully requested.

It is believed that this Response requires no fee. However, if a fee is required for any reason, please charge our Deposit Account No. 02-0553 the necessary amount.

Respectfully submitted:



Bryan H. Opalko

Registration No. 40,751

BUCHANAN INGERSOLL, P.C.

One Oxford Centre

301 Grant Street

Pittsburgh, Pennsylvania 15219

ph: (412) 562-1893

fx: (412) 562-1041

e-mail: opalkobh@bipc.com

Dated: 7-23-2003

Attorney for Applicants